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1012 Water Street  
Meadville, Pennsylvania 16335  
Telephone: A.C. 814/724-8526  
September 24, 1984

CERTIFIED MAIL #P 446 369 569

NOTICE OF VIOLATION

Subject: Unpermitted Solid Waste Disposal Site  
Tri-State Insulation; Coon Refrigeration  
Summit Township, Erie County

Vedder J. White, Esq.  
Trustee: Tri-State Insulation, Inc.  
501 Marine Bank Building  
Erie, PA 16501

Marlin K. Coon, President  
Tri-State Insulation, Inc.  
8164 Pagan Road  
Erie, PA 16509

Coon Refrigeration, Inc.  
8164 Pagan Road  
Erie, PA 16509

Mr. Thomas V. Purvis  
Vice President  
Tri-State Insulation, Inc.  
1070 Apple Hill Lane  
Allison Park, PA 15107

Dear Sirs:

Pursuant to the Pennsylvania Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. 6018.101 et seq. (copy enclosed) and the Hazardous Waste Rules & Regulations adopted on September 4, 1982 pursuant to that Act and to Chapter 75, Rules & Regulations for Solid Waste Management (25 Pa. Code 75.1 et seq.) the Department of Environmental Resources regulates the management of hazardous and other solid waste within the Commonwealth of Pennsylvania.

As a result of inspections conducted by staff from this office on September 10, 12 and 18, 1984 at the above referenced site, and as a result of September 18, 1984 meeting between Mr. Coon and staff from this office, it has been determined that solid wastes have been disposed at the site for a period of at least two (2) years and that those wastes consist of at least municipal and residual waste, as defined by the Solid Waste Management Act (Act 97). Those conditions place Coon Refrigeration, Inc., and Tri-State Insulation, Inc., in violation of Act 97 and the Pennsylvania Hazardous Waste Management Rules & Regulations as follows:

1. Tri-State Insulation/Coon Refrigeration have dumped or deposited and/or permitted the dumping or depositing of solid waste (as defined by Act 97) at the above referenced site. No permit for such an activity has been obtained from the Department [Section 610(1); Act 97].
2. Tri-State Insulation/Coon Refrigeration have constructed, operated and/or utilized a solid waste storage and/or disposal facility without a permit from the Department [Section 610(2); Act 97].

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3. Section 75.262(b)(1) of the Pennsylvania Hazardous Waste Management Regulations states that a person generating solid waste shall determine if that waste is a hazardous waste using procedures defined therein. Tri-State Insulation has generated solid waste without determining if said wastes were hazardous wastes using procedures outlined in Section 75.262(b)(1).
4. Tri-State Insulation/Coon Refrigeration have operated and/or maintained the site in a manner so as to adversely effect or endanger public health, safety and welfare or the environment, or cause a public nuisance [Section 302(b)(6); Act 97] at a minimum in that the Department has measured air contamination resulting from waste disposal activities at the site.
5. Tri-State Insulation/Coon Refrigeration have stored/disposed of residual waste without having first obtained a permit from the Department [Section 301; Act 97].

Be advised that Act 97 defines as disposal any storage of waste in excess of one year unless there is clear and convincing evidence to the contrary.

Also, be advised that any violation of any provision of Act 97 constitutes a public nuisance and that any person committing such violations is liable for costs of abatement of any pollution and any public nuisance caused by such violation.

In order to abate the above referenced violations, Tri-State Insulation, Coon Refrigeration, Marlin K. Coon and Thomas V. Purvis should:

1. Immediately cease all solid waste disposal activities at the site.
2. Within seven (7) days of receipt of this notice, inventory those 55- and 5-gallon containers of material at the site and accurately determine and record in writing which containers hold usable product and which containers contain waste.
3. Within fourteen (14) days of receipt of this notice, any liquid wastes held in drums which are leaking, which are without lids or bungs, or which are otherwise not completely closed should be transferred into secure, closed drums.
4. Within fourteen (14) days of receipt of this notice, rearrange all containers of waste at the site so that those containers can be accurately inventoried by Departmental staff.
5. Within thirty (30) days of receipt of this notice, determine, using procedures outlined in Section 75.262(b)(1) of the Pennsylvania Hazardous Waste Regulations (copy enclosed), which wastes are hazardous wastes.
6. Within five (5) days of receipt of any sample results used in the determination of the status of site wastes, send copies of those sample results to this office.

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7. Within fifteen (15) days of completion of the hazardous waste determination referenced in no. 5 above [i.e. within forty-five (45) days of receipt of this notice], arrange for the proper treatment, storage and/or disposal of all site wastes at an off-site facility permitted to accept such wastes.
8. Notify the Department in writing of arrangements made (as referenced in no. 7 above) within five (5) days of making those arrangements.
9. Within one hundred-twenty (120) days of receipt of this notice, have all site wastes transported to an off-site facility permitted to treat, store and/or dispose of such wastes.

Failure to abate the above referenced violations may result in the initiation of legal action.

Be advised that the Solid Waste Management Act provides for penalties for violations of each of its sections on separate days.

Also, be advised that this letter does not waive, either expressly or by implication, the power or authority of the Commonwealth of Pennsylvania to prosecute for any and all violations of law arising prior to or after the issuance of this letter or the conditions upon which the letter is based.

This letter shall not be construed so as to waive or impair any rights of the Department of Environmental Resources, heretofore or hereafter existing. This letter shall also not be construed as a final action of the Department of Environmental Resources.

Should you have any questions concerning the above matters, please feel free to contact me at this office.

Sincerely,

Mark E. Gorman  
Solid Waste Specialist  
Bureau of Solid Waste Management

MEG/skg

Enclosures

cc: Paul Burroughs, Attorney for the Commonwealth  
Robert C. Dwyer, Esq.

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